

SUMMARY ANALYSIS OF AMENDED BILL

Author: Eng Analyst: Deborah Barrett Bill Number: AB 1494
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: April 13, 2009
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT:	Public Meetings. Majority Of State Body Members Shall Not Outside Of Meeting Use Series Of Communications To Discuss, Deliberate, Or Take Action On Any Item Within Subject Matter Of State Body
_____	DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
_____	AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
_____	AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
_____	FURTHER AMENDMENTS NECESSARY.
_____	DEPARTMENT POSITION CHANGED TO _____.
_____	REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED
<u>X</u>	<u>February 27, 2009</u> , STILL APPLIES.
_____	OTHER – See comments below.

SUMMARY

This bill would prohibit a majority of members of a state body from using, outside an authorized meeting, a series of communications to discuss, deliberate, or take action on any item of business that is within the subject matter of that state body.

SUMMARY OF AMENDMENTS

The April 13, 2009, amendments would revise the circumstances that are exempt from the provisions of the bill and would clarify that the provisions would not prevent an employee or officials of a state agency from answering questions or providing members of a legislative body information pertinent to the subject matter jurisdiction of the state agency. The "This Bill" discussion is revised, and the "Technical Considerations" identified in the department's analysis of the bill as introduced February 27, 2009, are resolved. The "Implementation Considerations", "Fiscal Impact", and "Economic Impact" discussions are repeated below for convenience. The remainder of the department's analysis of the bill as introduced February 27, 2009, still applies.

POSITION

Pending.

Board Position:			Asst. Legislative Director	Date
_____ S	_____ NA	_____ NP		
_____ SA	_____ O	_____ NAR		
_____ N	_____ OUA	<u>X</u> PENDING	Patrice Gau-Johnsossn	05/05/09

THIS BILL

This bill would repeal existing provisions that prohibit direct communication, personal intermediaries, or technological devices that are employed by a majority of the members of a state body to develop a collective concurrence as to action to be taken on a business item by the members of the state body.

The bill would prohibit a majority of the members of a state body, outside of an authorized meeting, from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. The bill's provisions would not prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting with members of a legislative body to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate the comments or position of any other member or members of the legislative body to members of the legislative body.

The bill would make other nonsubstantive technical changes to the Government Code.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not impact department programs or operations.

FISCAL IMPACT

This bill would not impact department costs.

ECONOMIC IMPACT

The provisions of this bill would not impact state income tax revenues.

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